

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

ALBERT YALE, et al.,)
vs.)
Plaintiffs,)
vs.) Civil Action No. 3:15-cv-403-RJC-DSC
COMMUNITYONE BANK, N.A.,)
Defendant.)
)

MEMORANDUM AND ORDER

THIS MATTER is before the Court on Defendant's "Motion for Appropriate Relief" (document #53), and the parties' associated briefs and exhibits.

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1), and is now ripe for the Court's consideration.

The Court has carefully examined the record, the parties' arguments and the applicable authorities. For the reasons cited in Defendant's Motion and supporting briefs, the alternative relief it requests is granted, as ordered below.

NOW THEREFORE, IT IS ORDERED:

1. Defendant's "Motion for Appropriate Relief" (document #53) in the alternative is **GRANTED**.
2. The eleven Plaintiffs who are the subject of the Motion for Appropriate Relief are ordered to appear for their respective depositions at the Charlotte office of McGuireWoods LLP beginning at 9:00 a.m. or 1:30 p.m., on one of the following dates: February 8, 9, 12, 13, 14, or 15, 2018. On or before February 1, 2018, Plaintiffs' counsel shall inform defense counsel of the

specific date and time when each Plaintiff's deposition will begin. If, due to the length of any particular deposition, certain depositions are not completed within the above time frame, the parties' counsel shall arrange for any pending depositions to be completed in Charlotte on or before February 23, 2018.

3. Plaintiffs' counsel and the eleven Plaintiffs that are the subject of the Motion for Appropriate Relief, jointly and severally, shall reimburse Defendant for the following costs and fees related to the above depositions and the filing of the Motion for Appropriate Relief as follows:

- a. Defendant's court reporter costs for the depositions, which shall be payable within ten days after defense counsel delivers the bills to plaintiffs' counsel.
- b. Defendant's reasonable fees in preparing for and taking the depositions, payable pursuant to the Court's subsequent Order assessing those fees.
- c. Defendant's reasonable fees incurred in bringing the Motion for Appropriate Relief, payable pursuant to the Court's subsequent Order assessing those fees.

4. On or before February 28, 2018, defense counsel shall submit an affidavit to the Court detailing the fees they incurred in: (1) drafting the Motion for Appropriate Relief; and (2) preparing for and taking the depositions of the Plaintiffs that are the subject of the Motion for Appropriate Relief. The Court then will enter an order awarding fees to be paid by Plaintiffs' counsel and the eleven Plaintiffs that are the subject of the Motion for Appropriate Relief.

5. The dispositive motions deadline will remain in place.

6. The mediation deadline is extended to April 13, 2018.

7. The Clerk is directed to send copies of this Memorandum and Order to counsel for the parties; and to the Honorable Robert J. Conrad.

SO ORDERED.

Signed: January 25, 2018

D S Cayer

David S. Cayer
United States Magistrate Judge

